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Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			SANDERS, AARON J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/732,824

Applicant(s)

BRONSON ET AL.

Examiner

AARON SANDERS

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-18, 20-25, 27-31, 36, 37, 39, 41 and 42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-3, 5, 7-18, 20-25, 27-31, 36, 37, 39, 41 and 42 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 24 November 2009 has been entered. Claims 1-3, 5, 7-18, 20-25, 27-31, 36-37, 39, and 41-42 are pending. Claims 1, 5, 7, 9-12, 36, and 41 are currently amended. Claims 4, 6, 19, 26, 32-35, 38, and 40 are cancelled. No claims are new. This action is FINAL, as necessitated by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 9-10, 17-18, 20-25, 27-31, 36-37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas et al., U.S. 2004/0054589 ("Nicholas"), in view of DeCosta et al., U.S. 6,665,658 ("DeCosta").

1. Nicholas teaches "*A computer-implemented method comprising: receiving, by a computer system of a first entity and including at least one computer, a first ad request associated with a first target document, wherein the first target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a first resource for rendering at least one advertisement,*" see Figs. 1, 25, and par. 102-03, "User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource

locator (URL) in a standard browser... In the content received from content provider node 130 is code that represents a request for a banner ad during a stage S414 of the flowchart 410... The page adservice.aspx receives the request during a stage S416 of the flowchart 410.”

Nicholas teaches “*determining, by the computer system of the first entity and responsive to the first ad request, [demographic information of the user] to determine if an ad relevant to the content of the first target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410.”

Nicholas does not teach “*determining... that the content included in the first target document cannot be analyzed by the first entity.*” DeCosta teaches that conventional web crawlers cannot crawl (i.e. “analyze”) dynamic web sites, see col. 1, l. 46 – col. 2, l. 2. Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention for Nicholas to additionally determine the crawlability of the target document because DeCosta’s teachings would have allowed Nicholas’ method to ignore websites it cannot properly analyze, see DeCosta col. 1, l. 46 – col. 2, l. 2.

Nicholas teaches “*and indicating, by the computer system of the first entity, the availability of at least a portion of the first resource of the first target document to a second entity,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory [i.e. the target document cannot be crawled as per DeCosta], ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of

the flowchart 410,” where the claimed “indicating” is the referenced “forward[ing]” and the claimed “second entity” is the referenced “default service.”

2. Nicholas teaches “*The computer-implemented method of claim 1, wherein the first entity includes a content ad system,*” see Fig. 1 and par. 47, “ad selection node 140 includes a targeted ad server 141a and an associated database DB4... for managing a selection of which advertisement or advertisements are to be communicated with the requested information from content provider node 131 to user node 120.”

3. Nicholas teaches “*The computer-implemented method of claim 2, wherein the second entity includes a publisher with which the first target document is associated,*” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server. In this example code, the default ad service is a TPAS.”

5. Nicholas does not teach “*The computer-implemented method of claim 3, wherein the act of determining that the content included in the first target document cannot be analyzed by the first entity includes determining that the first target document can not be crawled.*” DeCosta teaches that conventional web crawlers cannot crawl (i.e. “analyze”) dynamic web sites, see col. 1, l. 46 – col. 2, l. 2. Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention for Nicholas to additionally determine the crawlability of the target document because DeCosta’s teachings would have allowed Nicholas’ method to ignore websites it cannot properly analyze, see DeCosta col. 1, l. 46 – col. 2, l. 2.

9. Nicholas teaches “*The computer-implemented method of claim 3, further comprising: receiving, by the computer system of the first entity, a second ad request associated with a second target document, wherein the second target document (A) is accessible by the first entity,*

(B) includes content, and (C) is associated with a second resource for rendering content,” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system and responsive to receiving the second ad request, that the content included in the second target document can be analyzed by the first entity to determine if an ad relevant to the content of the second target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*determining, by the computer system of the first entity, that a threshold number of relevant ads are not available to render in association with the second target document,*” see Fig. 25 and par. 103, “During a stage S422 of the flowchart 400, a search of the targeted add within an inventory of ad selection node 140 is accomplished.”

Nicholas teaches “*responsive to the determination that a threshold number of relevant ads are not available to render in association with the second target document, indicating, by the computer system of the first entity, the availability of at least a portion of the second resource of*

the second target document to the second entity,” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410,” where the claimed “indicating” is the referenced “forward[ing]” and the claimed “second entity” is the referenced “default service.”

Nicholas teaches “*receiving, by the computer system of the first entity, a third ad request associated with a third target document, wherein the third target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a third resource for rendering content,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system of the first entity and responsive to receiving the third ad request, that the content included in the third target document can be analyzed by the first entity to determine if an ad relevant to the content of the third target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*determining, by the computer system of the first entity, that a threshold number of relevant ads are available to render in association with the: third target document,*” see Fig. 25 and par. 103, “During a stage S422 of the flowchart 400, a search of the targeted add within an inventory of ad selection node 140 is accomplished.”

Nicholas teaches “*and responsive to the determination that a threshold number of relevant ads are available to render in association with the third target document, providing, by the computer system of the first entity, a set of at least one ad to be rendered via the third resource,*” see Fig. 25 and par. 103, “If an appropriate targeted ad exists in the inventory for ad selection node 140, the ad may be served during a stage S424 of the flowchart 410.”

10. Nicholas teaches “*The computer-implemented method of claim 9, wherein the threshold number of relevant ads depends on a degree of topical correlation between a plurality of ads available to the first entity and subject matter of each of the second and 6 third target documents,*” see par. 126, “the push and/or pull may be performed based on a threshold number of advertisement impressions served by the content site. The advantage achieved by pushing information relating to the availability of ads for a particular content site, geographic, and demographic closer to the content site is that it allows targeted ad server to handle requests that result in a higher percentage of targeted advertisements served.”

17. Nicholas teaches “*The computer-implemented method of claim 1, wherein the first entity includes a first ad system and the second entity includes a second ad system,*” see Fig. 1 and par. 47, “ad selection node 140 includes a targeted ad server 141a and an associated database DB4... for managing a selection of which advertisement or advertisements are to be communicated with the requested information from content provider node 131 to user node 120.”

18. Nicholas teaches *"The computer-implemented method of claim 17, wherein the first ad system is a content ad system,"* see Fig. 1 and par. 47, "ad selection node 140 includes a targeted ad server 141a and an associated database DB4... for managing a selection of which advertisement or advertisements are to be communicated with the requested information from content provider node 131 to user node 120."

20. Nicholas teaches *"The computer-implemented method of claim 1, wherein the first target document is requested by a client system and the first ad request includes an identifier of the second entity,"* see Fig. 25 and par. 102, "User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser."

Nicholas teaches *"wherein the first entity determines to redirect the first ad request to the second entity based on a set of one or more criteria,"* see Fig. 25 and par. 103, "If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410."

Nicholas teaches *"and wherein the act of indicating the availability of the first resource includes the first entity setting a location field in an outgoing hypertext protocol header with the identifier, causing the first target document to be output to the client system with the content rendered by the second entity,"* see par. 103, "<iframe height=60
src='http://adstpas.net/adservice.ht- ml' width=468 frameborder=0 marginwidth=0
marginheight=0 hspace=0 vspace=0 scrolling='no' bordercolor='#000000'><img
src='/images/default.gif'></iframe>."

21. Nicholas teaches “*The computer-implemented method of claim 20, wherein the identifier includes an alternative content URL,*” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server. In this example code, the default ad service is a TPAS accessed via network address <http://ads.tpas.net/adservice.html>.”

22. Nicholas teaches “*The computer-implemented method of claim 20, further comprising using remote scripting to process the ad rendering request,*” see par. 59, “Similar client and/or server-side scripting may be employed throughout the advertisement definition process, and throughout any portion of the user interface employed in interaction with ad selection node 140.”

23. Nicholas teaches “*The computer-implemented method of claim 21, wherein the remote scripting includes an iframe,*” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server.”

24. Nicholas teaches “*The computer-implemented method of claim 23, wherein the iframe is named to identify the ad rendering request to the first entity,*” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server.”

25. Nicholas teaches “*The computer-implemented method of claim 1, wherein indicating the availability of at least a portion of the first resource of the first target document to a second entity includes the first entity indicating to an external entity that the first target document is not available for analysis by the first entity to determine if an ad relevant to the content of the first target document is available for rendering,*” see Fig. 25 and par. 103, “If an appropriate targeted

ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

27. Nicholas teaches “*The computer-implemented method of claim 25, wherein the external entity is the second entity,*” see Fig. 25 and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

28. Nicholas teaches “*The computer-implemented method of claim 25, wherein the external entity includes a publisher,*” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server. In this example code, the default ad service is a TPAS.”

29. Nicholas teaches “*The method of claim 1, wherein indicating the availability of at least a portion of the first resource to a second entity includes redirecting the first request to an alternative entity,*” see Fig. 25 and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

30. Nicholas teaches “*The computer-implemented method of claim 29, wherein the first request identifies the alternative entity,*” see par. 103, “<iframe height=60 src='http://adstpas.net/adservice.ht- ml' width=468 frameborder=0 marginwidth=0 marginheight=0 hspace=0 vspace=0 scrolling='no' bordercolor='#000000'></iframe>.”

31. Nicholas teaches “*The computer-implemented method of claim 29, wherein redirecting the first request includes an identifier to identify the first request if redirected from*

the alternative entity back to the ad system,” see par. 104, “Again, an iframe may be used to provide content from a different server, service, or different page on the same server. In this example code, the default ad service is a TPAS accessed via network address <http://ads.tpas.net/adservice.html>.”

36. Nicholas teaches “*A system comprising: at least one processor,*” see Fig. 1 and par. 47, “Referring again to FIG. 1, ad selection node 140 includes one or more servers 141 for conventionally communicating with the other nodes of telecommunication system 10.”

Nicholas teaches “*at least one communications interface,*” see Fig. 1 and par. 43, “Telecommunication system 100 comprises a network 110 which is the media used to provide communications links between the various nodes of telecommunication system 100.”

Nicholas teaches “*and at least one storage device, the storage device storing program instructions which, when executed by the at least one processor, performs a method including,*” see Fig. 1 and par. 47, “Referring again to FIG. 1, ad selection node 140 includes one or more servers 141 for conventionally communicating with the other nodes of telecommunication system 10.”

Nicholas teaches “*receiving, with a first entity, a first ad request associated with a first target document, wherein the first target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a first resource for rendering at least one advertisement,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource

locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, with the first entity and responsive to the first ad request, [demographic information of the user] to determine if an ad relevant to the content of the first target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410.” Nicholas does not teach “*determining... that the content included in the first target document cannot be analyzed by the first entity.*” DeCosta teaches that conventional web crawlers cannot crawl (i.e. “analyze”) dynamic web sites, see col. 1, l. 46 – col. 2, l. 2. Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention for Nicholas to additionally determine the crawlability of the target document because DeCosta’s teachings would have allowed Nicholas’ method to ignore websites it cannot properly analyze, see DeCosta col. 1, l. 46 – col. 2, l. 2.

Nicholas teaches “*and indicating, with the computer system of the first entity, the availability of at least a portion of the first resource of the first target document to a second entity,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410,” where the claimed “indicating” is the referenced “forward[ing]” and the claimed “second entity” is the referenced “default service.”

37. Nicholas teaches “*The system of claim 36, wherein the first resource includes a display area on the target document,*” see par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser.”

39. Nicholas teaches “*The method of claim 29, wherein the alternative entity includes one of (A) another ad system or (B) a publisher with which the first target document is associated,*” see Fig. 1 and par. 47, “ad selection node 140 includes a targeted ad server 141a and an associated database DB4... for managing a selection of which advertisement or advertisements are to be communicated with the requested information from content provider node 131 to user node 120.”

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas et al., U.S. 2004/0054589 (“Nicholas”), in view of DeCosta et al., U.S. 6,665,658 (“DeCosta”), and in view of Kumhyr et al., U.S. 2003/0131095 (“Kumhyr”).

7. Nicholas teaches “*The computer-implemented method of claim 3, further comprising receiving, by the computer system of the first entity, a second ad request associated with a second target document, wherein the second target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a second resource for rendering content,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a

standard browser... This code requests an ad from an ad selection node 140 found at the network address."

Nicholas teaches "*determining, by the computer system and responsive to receiving the second ad request, that the content included in the second target document can be analyzed by the first entity to determine if an ad relevant to the content of the second target document is available for rendering,*" see Fig. 25 and par. 103, "A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410," where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the "content included in" the target document.

Nicholas teaches "*responsive to the determination that the second target document contains negative subject matter, indicating, by the computer system of the first entity, the availability of at least a portion of the second resource of the second target document to the second entity,*" see Figs. 1, 25, and par. 103, "If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410."

Nicholas teaches "*receiving, by the computer system of the first entity, a third ad request associated with a third target document, wherein the third target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a third resource for rendering content,*" see Figs. 1, 25, and par. 102, "User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This

may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system of the first entity and responsive to receiving the third ad request, that the content included in the third target document can be analyzed by the first entity to determine if an ad relevant to the content of the third target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*and responsive to the determination that the third target document does not contain negative subject matter, providing, by the computer system of the first entity, a set of at least one ad to be rendered via the third resource,*” see Fig. 25 and par. 103, “If an appropriate targeted ad exists in the inventory for ad selection node 140, the ad may be served during a stage S424 of the flowchart 410.”

Nicholas does not teach “*determining, by the computer system of the first entity, that the second target document contains negative subject matter.*” Kumhyr does, however, see Fig. 4 and par. 27, “In step 402... the datastream content is parsed for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with

goods or services of the same kind or category as the advertiser's goods or services." It would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Kumhyr's teachings would have allowed Nicholas' method to prevent user's making "a negative association of the advertisers product or service with the content of the page," see Kumhyr par. 5.

Nicholas does not teach "*determining, by the computer system of the first entity, that the third target document does not contain negative subject matter.*" Kumhyr does, however, see Fig. 4 and par. 27, "In step 402... the datastream content is parsed for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services." It would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Kumhyr's teachings would have allowed Nicholas' method to prevent user's making "a negative association of the advertisers product or service with the content of the page," see Kumhyr par. 5.

8. Nicholas does not teach "*The computer-implemented method of claim 7, wherein negative subject matter includes at least one of tragic events, pornography, alcohol promotion, tobacco promotion, gun promotion and gambling promotion.*" Kumhyr does, however, see par. 27, "For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services." It would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of

the cited references because Kumhyr's teachings would have allowed Nicholas' method to prevent user's making "a negative association of the advertisers product or service with the content of the page," see Kumhyr par. 5.

Claims 11-16 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas et al., U.S. 2004/0054589 ("Nicholas"), in view of DeCosta et al., U.S. 6,665,658 ("DeCosta"), and in view of Bronnimann et al., U.S. 2004/0044571 ("Bronnimann").

Note that although Bronnimann is currently assigned to Google, Inc., it qualifies as prior art under 37 C.F.R. 1.104(c)(4) because it was not assigned to Google, Inc. until after the instant application was filed.

11. Nicholas teaches "*The computer-implemented method of claim 3, further comprising: receiving, by the computer system of the first entity, a second ad request associated with a second target document, wherein the second target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a second resource for rendering content,*" see Figs. 1, 25, and par. 102, "User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address."

Nicholas teaches "*determining, by the computer system and responsive to receiving the second ad request, that the content included in the second target document can be analyzed by the first entity to determine if an ad relevant to the content of the second target document is*

available for rendering,” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas does not teach “*determining, by the computer system of the first entity, that a threshold number of ads having untapped budgets are not available to render in association with the second target document.*” Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. It would be obvious to one of ordinary skill in the database art at the time of the invention, then, that Bronnimann would determine whether a sufficient number of ads “having untapped budgets” were available to render because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

Nicholas teaches “*responsive to the determination that a threshold number of ads having untapped budgets are not available to render in association with the second target document, indicating, by the computer system of the first entity, the availability of at least a portion of the second resource of the second target document to the second entity,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may

forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410,” where the claimed “indicating” is the referenced “forward[ing].”

Nicholas teaches “*receiving, by the computer system of the first entity, a third ad request associated with a third target document, wherein the third target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a third resource for rendering content,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system of the first entity and responsive to receiving the third ad request, that the content included in the third target document can be analyzed by the first entity to determine if an ad relevant to the content of the third target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*and responsive to the determination that a threshold number of ads having untapped budgets are available to render in association with the third target document, providing, by the computer system of the first entity, a set of at least one ad to be rendered via*

the third resource,” see Fig. 25 and par. 103, “If an appropriate targeted ad exists in the inventory for ad selection node 140, the ad may be served during a stage S424 of the flowchart 410.”

Nicholas does not teach “*determining, by the computer system of the first entity, that a threshold number of ads having untapped budgets are available to render in association with the third target document.*” Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. It would be obvious to one of ordinary skill in the database art at the time of the invention, then, that Bronnimann would determine whether a sufficient number of ads “having untapped budgets” were available to render because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

12. Nicholas teaches “*The computer-implemented method of claim 3, further comprising: receiving, by the computer system of the first entity, a second ad request associated with a second target document, wherein the second target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a second resource for rendering content,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system and responsive to receiving the second ad request, that the content included in the second target document can be analyzed by the first entity to determine if an ad relevant to the content of the second target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*responsive to the determination that net revenue for the first entity for rendering the ad will not be positive, indicating, by the computer system of the first entity, the availability of at least a portion of the second resource of the second target document to the second entity,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

Nicholas teaches “*receiving, by the computer system of the first entity, a third ad request associated with a third target document, wherein the third target document (A) is accessible by the first entity, (B) includes content, and (C) is associated with a third resource for rendering content,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource

locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*determining, by the computer system of the first entity and responsive to receiving the third ad request, that the content included in the third target document can be analyzed by the first entity to determine if an ad relevant to the content of the third target document is available for rendering,*” see Fig. 25 and par. 103, “A determination of demographic information related to user is then made during a stage S418 of the flowchart 410... Based on the demographic determination, ad selection node 140 checks for an ad based on the demographic information during a stage S420 of the flowchart 410,” where the claimed analyzable content is the referenced demographic information maintained as a cookie (Nicholas par. 142), which is part of the “content included in” the target document.

Nicholas teaches “*and responsive to the determination that net revenue for the first entity for rendering the ad will be positive, providing, by the computer system of the first entity, a set of at least one ad to be rendered via the third resource,*” see Fig. 25 and par. 103, “If an appropriate targeted ad exists in the inventory for ad selection node 140, the ad may be served during a stage S424 of the flowchart 410.”

Nicholas does not teach “*determining, by the computer system of the first entity, that net revenue for the first entity for rendering the ad will not be positive.*” Bronnimann teaches that “if five listings are to be output for a keyword to a search engine system, then the system analyzes the optimized revenue efficiency for five advertisements in that grouping,” see par. 7. It would have been obvious to one of ordinary skill in the database art at the time of the invention to determine which advertisements would generate negative revenue because web server owners

prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann's teachings would have allowed Nicholas' method to optimize advertisement revenue, see Bronnimann par. 5.

Nicholas does not teach "*determining, by the computer system of the first entity, that net revenue for the first entity for rendering the ad will be positive.*" Bronnimann teaches that "if five listings are to be output for a keyword to a search engine system, then the system analyzes the optimized revenue efficiency for five advertisements in that grouping," see par. 7. It would have been obvious to one of ordinary skill in the database art at the time of the invention to determine which advertisements would generate negative revenue because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann's teachings would have allowed Nicholas' method to optimize advertisement revenue, see Bronnimann par. 5.

13. Nicholas does not teach "*The computer-implemented method of claim 12, wherein the act of determining whether net revenue for rendering the ad will be positive, by the first entity, comprises: determining whether or not a payment is to be paid to a publisher for rendering the ad.*" Bronnimann does, however, see par. 46, "Additionally, database server system 18 may comprise one or more database systems that store various types of data including... payment information." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann's

teachings would have allowed Nicholas' method to optimize advertisement revenue, see Bronnimann par. 5.

Nicholas does not teach "*and estimating gross revenue derived from an advertiser for rendering the ad in association with each of the second and third target documents.*"

Bronnimann does, however, see par. 46, "Additionally, database server system 18 may comprise one or more database systems that store various types of data including... bid amount information." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann's teachings would have allowed Nicholas' method to optimize advertisement revenue, see Bronnimann par. 5.

14. Nicholas does not teach "*The computer-implemented method of claim 13, wherein the payment depends on a number of impressions of the ad using each of the second and third resources of the corresponding target documents.*" Bronnimann does, however, see par. 7, "Or, in a content portal page, if there are five slots for advertisements in that portal page, then the system analyzes various groupings of advertisements to fill those five slots to determine which groupings in those five slots generates the most revenue per impression." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann's teachings would have allowed Nicholas' method to optimize advertisement revenue, see Bronnimann par. 5.

15. Nicholas does not teach "*The computer-implemented method of claim 13, wherein the gross revenue depends on a number of impressions of the ad using each of the second and third resources of the corresponding target documents.*" Bronnimann does, however, see par. 7, "Or,

in a content portal page, if there are five slots for advertisements in that portal page, then the system analyzes various groupings of advertisements to fill those five slots to determine which groupings in those five slots generates the most revenue per impression.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

16. Nicholas does not teach “*The computer-implemented method of claim 13, wherein the gross revenue depends on an estimated clickthrough amount for the ad if rendered using each of the second and third resources of the corresponding target documents.*” Bronnimann does, however, see par. 9, “a system and method that monitors click-through rates and revenue generation to determine advertisement and advertiser effectiveness. An objective methodology is implemented to measure advertising listing relevancy to given search terms and content pages as well as a method of maximizing overall advertising effectiveness.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

41. Nicholas teaches “*A computer-implemented method comprising: receiving, by a content ad serving system including at least one computer on a network, an ad request associated with a target document for serving an ad via a resource of the target document, wherein the target document is associated with a publisher;*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123

(FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*and indicating, by the content ad serving system, the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on the determination that a threshold number of ads having untapped budgets are not available to render in association with the target document,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

Nicholas does not teach “*determining, by the content ad serving system and responsive to the ad request associated with the target document, that a threshold number of ads having untapped budgets are not available to render in association with the target document.*”

Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. It would be obvious to one of ordinary skill in the database art at the time of the invention, then, that Bronnimann would determine whether a sufficient number of ads “having untapped budgets” were available to render because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

Nicholas does not teach “*wherein the act of determining that a threshold number of ads having untapped budgets are not available to render in association with the target document*

includes determining that the number of ads for which advertisers are willing to pay the ad serving system does not exceed a defined threshold.” Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. It would be obvious to one of ordinary skill in the database art at the time of the invention, then, that Bronnimann would determine whether a sufficient number of ads “having untapped budgets” were available to render because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

42. Nicholas teaches “*A computer-implemented method comprising: receiving, by a content ad serving system including at least one computer on a network, an ad request associated with a target document for serving an ad via a resource of the target document, wherein the target document is associated with a publisher,*” see Figs. 1, 25, and par. 102, “User accesses a website on the Internet by making a network request to content provider node 130 during a stage S412 of the flowchart 410. This may be achieved using a personal computer 123 (FIG. 1) and entering a universal resource locator (URL) in a standard browser... This code requests an ad from an ad selection node 140 found at the network address.”

Nicholas teaches “*and indicating, by the content ad serving system, the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on the determination that net revenue for the content ad system for serving the ad will not be positive,*” see Figs. 1, 25, and par. 103, “If an appropriate targeted ad does not

exist in the inventory, ad selection node 140 may forward the request for an ad to a default service from content provider node 130 during a stage S426 of the flowchart 410.”

Nicholas does not teach “*determining, by the content ad serving system and responsive to the ad request associated with the target document, that net revenue for the content ad system for serving the ad will not be positive.*” Bronnimann teaches that “if five listings are to be output for a keyword to a search engine system, then the system analyzes the optimized revenue efficiency for five advertisements in that grouping,” see par. 7. It would have been obvious to one of ordinary skill in the database art at the time of the invention to determine which advertisements would generate negative revenue because web server owners prefer to maximize revenue, see Bronnimann par. 5. Further, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

Nicholas does not teach “*wherein the act of determining that net revenue for serving the ad will not be positive includes (A) determining whether or not a payment is to be paid to a publisher for rendering the ad and (B) estimating gross revenue derived from an advertiser for rendering the ad in association with the target document.*” Bronnimann does, however, see Fig. 1 and par. 41, “In addition, the Advertisement Listings Provider 16 may only be paid when a click-through occurs.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Bronnimann’s teachings would have allowed Nicholas’ method to optimize advertisement revenue, see Bronnimann par. 5.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5, 7-10, 17-18, 20-25, 27-31, 36-37, and 39 have been considered but are moot in view of the new ground(s) of rejection.

As per applicant's argument that Bronnimann does not render the limitation "determining that net revenue for serving the ad will not be positive" obvious, the examiner respectfully disagrees. Specifically, Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. Given the desire for positive ad revenue as taught by Bronnimann, it would have been obvious to one of ordinary skill in the database art at the time of the invention to determine if the potential revenue would be negative, and if so (combined with Nicholas), signal the availability of the ad space to another entity. Thus, the rejection of claims 12 and 42 is maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-F 9:00a-4:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit
2168

/Aaron Sanders/
Examiner, Art Unit 2168
22 February 2010